



NEWARK BOARD OF EDUCATION
Newark, New Jersey 07102
POLICY

File Code: 3327

RELATIONS WITH VENDORS

Minority business, small business, and female business set-aside program

The Newark Board of Education is dedicated to and shall participate in a minority Businesses, small businesses, and female businesses, set-aside Program. A minimum amount of twenty-five (25) percent of funds expended for all purchases of commodities and services (a. construction, b. goods, c. equipment) will be "set-aside" for approved minority businesses, small businesses, and female businesses (minority businesses-7%; small businesses-15%; female businesses-3%).

Effective July 1, 1989, a vendor who wishes to participate in the Newark Board of Education's set-aside program, must submit evidence of its certification, by established categories. Certification must pre-date the date that bids are to be submitted.

Certification is a determination made by certain certifying entities that a business is, in fact, owned and controlled by minorities or by females, and is eligible to compete for contracts set aside for minority owned or female owned businesses. Additionally, a similar determination is made relative to small businesses.

An established certifying entity being inclusive of, but not limited to, the following, may be used to determine certification:

New Jersey Department of Transportation

Port Authority of New York/New Jersey

New Jersey Department of Commerce

Economic Development

U.S. Small Business Administration

Page 1 of 2



NJSEA SCHOOL POLICY SERVICE

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RELATIONS WITH VENDORS (continued)

Minority business, small business, and female business set-aside program

Evidence of preliminary approval is unacceptable.

The Executive Superintendent shall develop procedures and programs to implement this policy.

Adopted: May 23, 1989

Legal Reference: N.J.S.A. 52:32-17 et seq.



REGULATION

3327

Relations With Vendors

Minority Business Entrepreneur (MBE) Participation

In order to implement Policy #3327, Minority Businesses, Small Businesses and Female Businesses Set-Aside Program, it is necessary to establish specific regulations to be used administratively. These regulations establish uniform policies and guidelines to ensure that qualified and certified minority-owned businesses, small businesses and woman-owned businesses have an equal opportunity to compete for a fair share of the dollars expended in the procurement of goods and services and professional services with the Newark Board of Education. These regulations provide the method for meeting and/or exceeding the participation goals as contained Policy in #3327. Nothing in these regulations is meant to conflict with or supersede any federal or state rule or regulation.

I. Review Committee

A review committee will be established to review and monitor all projected board contracts to determine those companies to be included in the MBE program, as either set-aside, sub-contracts or joint ventures. The committee will use the regulations, as outlined, in their decision making process. The review committee will consist of the following Board staff, but may be modified as needed:

Review Committee

MBE Coordinator

Executive Superintendent's Liaison

Executive Director of Purchasing

Executive Controller

Director of Design and Construction



A synopsis of all projected work or required services for formal bidding above the bid threshold will be presented to the committee for review and decision making. For those items under the bid threshold, the committee will meet periodically to review commodity areas for set-asides for oral and written quotes.

II. What are Set-Asides?

During a review of proposed items above the bid threshold being advertised in newspapers by the Division of Purchasing and the office of Minority Business Enterprise, the projected bid items or requests for proposals will be evaluated by the review committee to determine which items are feasible for consideration for competition solely among minority-owned businesses, small businesses and women-owned businesses.

III. The use of Combined MBE Categories

This procedure will be adhered to providing there is a sufficient number of qualified and certified minority-owned businesses, small businesses and women-owned businesses offering the goods or services being sought that have been made known to the review committee. In most instances there are to be at least three qualified certified MBE's participating in the bidding process in order to generate competition.

A set-aside may be structured to include either one or all categories of MBE who are included in the Board's set-aside program. Whenever competition will not be generated from the currently identifiable MBE's within a particular category, the set-aside may include more than one category of MBE as the projected vendor or contractor.

IV. Identifying Set-Aside Projects in Construction

The review committee will review all projected construction schedule to identify potential set-aside projects, sub-contract projects and joint ventures for inclusion in the MBE program. Those projects selected for set-aside, sub-contract or joint venture will then be advertised according to MBE advertising procedures.

V. Advertising for MBE Participation in Board Contracts

To increase MBE participation, advertising of bids and requests for proposals shall include, but not be limited to:

A. Public Announcements

All projected advertisements are to be published and/or announced in at least two newspapers, publications if timely, and organizations whose circulation and population is representative of minority-owned businesses, small businesses and women-owned businesses.

B. Provision of Technical Assistance

When possible, the office of minority business enterprise's staff will furnish MBE's with a listing of projected bids to be advertised and the anticipated bid dates. This effort will provide lead time to develop packages or proposals and provide technical assistance, if needed.

C. Use of Set-aside Designations

Advertisement shall include designation of project as set-aside, sub-contract or joint venture and the specific category of MBE requested.

D. Strict Observance of Set-aside Criteria

Advertisements shall specify that bids or proposals will not be considered by the Division of Purchasing if specifications or requests for proposal's set-aside criteria are not met.

In the case of requested sub-contracting information, if goals are not met, bidder must include, in the bid submission, documentation that sub-contract goals were unattainable and the reason(s).

VI. Criteria for Set-Aside Projects (Construction)

When projects are reviewed by the review committee as projected set-aside, sub-contract or joint venture projects, the committee shall be guided by the following criteria:

- A. Scope of the project appropriate for minority-owned businesses', small businesses' and women-owned businesses' participation.
- B. Availability and capability of minority owned businesses, small businesses and women-owned businesses to compete in the bidding process.
- C. Extent of which department and annual goals are being achieved.
- D. Need for specific groups' participation in a trade area or construction category.

VII. Establishing Goals for Sub-Contracting Participation Board Contract

The review committee may include sub-contracting in both set-aside and non set-aside participation in a variety of contracts.

Construction projects estimated to cost \$500,000 or more must have sub-contracting.

VIII. Bidding Process - Competitive Bidding Requirements

Bid specifications developed for goods and services and construction projects shall not preclude bidding by minority-owned businesses, small businesses and women-owned businesses.

When bid or proposal is to be advertised in the newspaper, the MBE vendors, consultants and contractors, who have submitted to the Division of Purchasing a completed vendor's application package and evidence of certification, will be notified of availability of bids for those items or services pertinent to their businesses.

A. Formal Written Bids

For each solicitation above the bid threshold, announcements of the bid shall be sent to qualified MBE's on the active bidders mailing list for that particular category, by the Office of Minority Business Enterprise. The list shall be inclusive of certified minority-owned businesses and their specific category of endeavor, as well as organizations that assist these businesses by posting and/or disseminating information relative to MBE's. In cases of emergency situations, this procedure may not be adhered to.

This notification procedure combined with advertisements, to the maximum extent possible, will provide opportunity for interested MBE's to participate in the district's procurements process.

B. Oral and Written Quotations \$500.00 - \$9,599.00

For each solicitation of less than \$500.00, telephone quotations may be requested from more than one source. MBE participation shall be strongly encouraged. The Division of Purchasing, with assistance from the Office of Minority Business Enterprise, shall be responsible for implementing this procedure.

For each solicitation of \$500.00 - 9,599.00, written or oral quotation shall be required, whenever possible, from at least three sources. At least one of these sources shall be a minority owned business, small business or woman owned business from the active bidders mailing list.

The award shall be based on the lowest responsible bidder, price and other factors considered. Notations shall be made regarding written or oral quotations or requisitions indicating prices and identifying vendors contacted by staff of the Division of Purchasing.

IX. Reduction of Large Contracts (Purchasing)

In no instance will solicitations be reduced to avoid Public School Contracts Law.

Large projected contracts shall be reviewed prior to being advertised, by the review committee, to determine the feasibility of reducing into smaller contracts. The activity is aimed at providing an opportunity for developing minority-owned businesses, small businesses and women-owned businesses to compete for contracts of manageable size. The method use for reduction can be tailored to the factors present in a given situation. Options available include:

- A. The full quantity of a given items(s) may be made into a separate contract for bidding.
- B. A partial quantity of a given item(s) may be made into a separate contract for bidding.
- C. The period of performance of a contract may be shortened resulting in a reduction of the capacity required per bidder.

- D. Work to be performed may be grouped according to geographical location and placed in separate bids.
- E. Unrelated areas of work to be performed, areas of work not requiring completing by a single bidder, may be placed in separate bids.

Contracts resulting from the reduction of large contracts may then be bid either as a set-aside or open competitive bid. Determination shall be based on set-aside criteria.

X. Reporting Procedures

The Minority Participation Report is designated to track the district's dollar expenditures relative to minority-owned businesses, small businesses and women-owned businesses. The Office of Minority Business Enterprise is responsible for compiling the report and making it available to the district and the public on a monthly basis.

The purchasing of goods and services, construction projects and professional and consultant services activities awarded by the district with MBE's are contained within the monthly report. The total dollar expenditure for the previous month is reflected in the report via purchase orders and service orders issued within the specific month being reported.

Purchase orders, capital budget awards and professional and consultant services information shall be made available by the executive director of Division of Purchasing, the executive controller and the director of the Office of Design and Construction.

The report will list monthly and year-to-date expenditures by MBE categories and their relationship to the district's overall expenditures for that month being reported. Utilization of this reporting method will result in the accounting, at any given time of MBE participation in the district's procurement process. This reporting format may be updated on an as-needed basis to refine the compilation of information requested.

Date: May 5, 1993



NEWARK BOARD OF EDUCATION
Newark, New Jersey 07102
EXHIBIT

File Code: 3327

DISCLOSURE STATEMENT

I represent that no goods, materials, or supplies to be provided under this proposal will be procured from or have as their origin the Republic of South Africa and Namibia.

I represent that the bidder or company submitting this proposal does not have any investment, license or operation in the Republic of South Africa and Namibia and will not acquire same for the duration of its contract with the Newark Board of Education, in the event any contract is awarded to the bidder or offerer.

I certify that the foregoing statements made by me are true. I am aware that if the foregoing statements are wilfully false, the Newark Board of Education shall reject the bidder or offerer's proposal or goods, materials, or supplies furnished by the bidder or offerer.

July 24, 1990

SIGNATURE

TYPED SIGNATURE

TITLE

Page 1 of 1



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